

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE SUBPOENAS TO ELECTRONIC
FRONTIER FOUNDATION AND FRED
VON LOHMANN

No. C 10-80276-MISC JSW

**ORDER RESERVING RULING
ON EXPEDITED MOTION TO
QUASH AND DIRECTING
PARTIES TO MEET AND
CONFER IN PERSON**

Now before the Court for consideration is the Expedited Motion to Quash Subpoenas filed by the Electronic Frontier Foundation ("EFF") and Fred von Lohmann ("Mr. von Lohmann"). The Court has considered the parties' papers, including the supplemental declarations filed pursuant to Court Order, relevant legal authority and the record in this case.

In their supplemental declarations, EFF and Mr. von Lohmann attest that there are some non-privileged documents that would be responsive to the subpoenas. It also is evident to the Court, however, that the EFF and Mr. von Lohmann also possess information and documents that would be privileged - either as to Mr. Gorton and the Lime Wire entities or to other EFF clients - and which should be protected. Therefore, in light of Judge Wood's Order extending the deadlines to complete discovery in the *Lime Wire* action, HEREBY ORDERS the parties to meet and confer *in person* to determine whether they can resolve this dispute without Court intervention.

The Court shall reserve ruling on the motion to quash. If the parties are unable their differences, they shall advise so advise the Court and shall submit supplemental briefs outlining what disputes remain. In any such briefs, the parties must describe the documents with

1 sufficient specificity to permit the Court to make a determination as to whether they are, in fact,
2 reasonably calculated to lead to the discovery of admissible evidence on damages.

3 If the parties are able to resolve their differences, they shall submit a joint statement to
4 that effect to the Court.

5 **IT IS SO ORDERED.**

6 Dated: *Nov. 19, 2010*


MARILYN H. PATEL
for JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE